

UNITED STATES DISTRICT COURT

for the
Eastern District of Wisconsin

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

KALIPH K. HENDREE (DOB: XX/XX/1994), USMS
No. 07951-509, housed at Dodge Correctional
Institution

Case No.
20-1056M(NJ)

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

KALIPH K. HENDREE (DOB: XX/XX/1994), USMS No. 07951-509, housed at Dodge Correctional Institution

located in the Eastern District of Wisconsin, there is now concealed (identify the person or describe the property to be seized):

oral swab of DNA also know as a buccal swab

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. §§ 1951(a)(b) and 2;	Attempted Hobbs Act Robbery;
18 U.S.C. § 924(c)(1)A(iii)	Discharging a Firearm in Relation to a Crime of Violence;
18 U.S.C. § 922(g)(1)	Felon in Possession of a Firearm

The application is based on these facts:

See Attached Affidavit.

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Timothy Walther, FBI Special Agen

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
 telephone (specify reliable electronic means).

Date: 10/15/20

City and state: Milwaukee, WI

Judge's signature

Nancy Joseph, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Timothy Walther, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant to collect an oral swab of DNA from KALIPH K. HENDREE (DOB: XX/XX/1994).

2. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since 2008. Since November 2019, I have been assigned to FBI's Milwaukee Area Violent Crimes Task Force, a multi-jurisdictional law enforcement entity charged with investigating violations of federal law, including bank robberies, commercial robberies, armed motor vehicle robberies, and other violent crime matters, defined under Title 18 of the United States Code. I have been trained in a variety of investigative and legal matters, including the topics of Fourth Amendment searches, the drafting of search warrant affidavits, and probable cause. I have participated in criminal investigations, surveillance, search warrants, cellular telephone extractions, interviews, and debriefs of arrested subjects. As a result of this training and investigative experience, I have learned how and why violent actors typically conduct various aspects of their criminal activities.

3. Information contained in this affidavit was either obtained directly by me or by other investigators who I believe to be truthful and credible. The facts in this affidavit come from

personal observations, training and experience, and information obtained from other investigators and witnesses.

4. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

5. Based on the investigation to date, there is probable cause that KALIPH K. HENDREE (DOB: XX/XX/1994), on or about January 10, 2020, in Milwaukee County, in the Eastern District of Wisconsin, violated Title 18, United States Code, Section 922(g)(1) (Felon in Possession of a Firearm), Title 18, United States Code, Section 1951(a, (b) and (2) (Attempted Hobbs Act Robbery) and Title 18, United States Code, Section 924(c)(1)A)(iii)(Discharging a Firearm in Relation to a Crime of Violence).

PROBABLE CAUSE

6. On January 10, 2020, at approximately 12:15am, a subject was shot in the chest during an attempted robbery in the parking lot of Applebee's located at 270 W. Holt Avenue in Milwaukee, WI. That same day, the shooting victim identified Kaliph K. Hendree as the shooter from a six person photo array. The victim was able to identify Hendree based on two previous sales of marijuana which occurred the week before the shooting. The victim also indicated that the purpose of the meeting at Applebee's was to sell marijuana to Hendree.

7. A black and gray Hi-Point 9mm pistol (Serial # P1640753) was located at the scene of the shooting incident. The victim stated Hendree used this gun to shoot him and then left the scene after a brief struggle. The Milwaukee Police Department subsequently swabbed the above

pistol for DNA evidence. The DNA evidence will be examined by the FBI Laboratory who requires a DNA standard from Hendree for direct comparison.

8. On January 12, 2020, law enforcement went to several addresses listed for Hendree in Milwaukee County. Hendree, however, was not located.

9. On January 14, 2020, Hendree was charged by criminal complaint in Milwaukee County with Attempted Armed Robbery, First Degree Recklessly Endangering Safety, and Felon in Possession of a Firearm. A warrant issued for his arrest the same date.

10. In an attempt to locate Hendree, the United States Marshals Service obtained and served a state search warrant for information from Hendree's Facebook page. Based on the information received from Facebook in response to the warrant, Hendree stopped using the social networking site on January 13, 2020.

11. On or about April 17, 2020, the United States Marshal's Service located and arrested Hendree in St. Louis, Missouri.

12. On September 1, 2020, Hendree was charged by a grand jury sitting in this district in a three count indictment charging him with Attempted Hobbs Act Robbery in violation for Title 18, United States Code, Sections 1951(a) (b) and 2, Discharging a Firearm in Relation to a Crime of Violence in violation of Title 18, United States Code, Section 924(c)(1)A(iii), and Felon in Possession of a Firearm in violation of Title 18, United States Code, Section 922(g)(1). On September 17, 2020, Hendree was arraigned before Magistrate Dries and a federal detainer was lodged. The charges in Milwaukee County have since been dismissed.